

1 ROBERT BORTON (SBN 53191)
Email: robert.borton@hellerehrman.com
2 DANIEL KAUFMAN (SBN 246041)
Email: daniel.kaufman@hellerehrman.com
3 HELLER EHRMAN LLP
333 Bush Street
4 San Francisco, CA 94104-2878
Telephone: (415) 772-6000
5 Facsimile: (415) 772-6268

6 Attorneys for Petitioner
HO RIM KAM

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 HO RIM KAM,

12 Petitioner,

13 v.

14 MARTIN LUTHER KING, JR.-MARCUS
15 GARVEY SQUARE COOPERATIVE BOARD
16 OF DIRECTORS,

17 Respondent.
18

Case No.: C 07 4414 (SBA)

**[PROPOSED] ORDER GRANTING
MOTION TO REMAND
(28 U.S.C. § 1447)**

The Honorable Sandra B. Armstrong
Date: September 11, 2007
Time: 1:00 p.m.
Court: Courtroom 3, 3rd Floor

19 The motion of Petitioner Ho Rim Kam for an Order remanding this case to the
20 California Superior Court came on for hearing before this Court with Heller Ehrman LLP
21 appearing as attorney for Petitioner and Kaufman, Dolowich & Voluck LLP appearing for
22 Respondent. Notice of the Motion was properly made on shortened time.

23 After full consideration of the moving and responding papers, the Court grants
24 Petitioner's Motion to Remand. The Court finds that this action does not arise under the
25 Constitution or laws of the United States, but instead alleges only claims arising under State
26 law. Accordingly, it is hereby ORDERED that this action is immediately remanded, in its
27 entirety, to the San Francisco Superior Court, with the sole exception of an ancillary
28 Application for fees and costs, as set forth below.

1 It is further ORDERED that Petitioner's request for an award of fees and costs under
2 28 U.S.C. § 1447 is also granted. Petitioner is directed to submit his application for such
3 expenses, within 15 days from the date of this Order, in the form of a Declaration of
4 counsel. Respondent shall have five days to respond to such Application and the Court
5 shall then rule without hearing. Except for this ancillary proceeding, and as set forth above,
6 this entire action is immediately remanded and shall resume in the California Superior
7 Court.

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11 DATED: _____

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13 JUDGE OF THE UNITED STATES
14 DISTRICT COURT
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